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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,616	10/29/2003	Joshua Zvi Levin	70166USNP	7593

22847 7590 09/02/2005

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EXAMINER	
GEBREYESUS, KAGNEW H	
ART UNIT	**PAPER NUMBER**
1652	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,616	LEVIN ET AL.	
	Examiner	Art Unit	
	Kagnew H. Gebreyesus	1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-10* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 2 and classified in class 435, subclass 4.

II. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 4 classified in class 435, subclass 4.

III. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 6 classified in class 435, subclass 4.

IV. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 8 classified in class 435, subclass 4.

V. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a

plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 10 classified in class 435, subclass 4.

VI. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 12 classified in class 435, subclass 4.

VII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 14 classified in class 435, subclass 4.

VIII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 16 classified in class 435, subclass 4.

IX. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 18 classified in class 435, subclass 4.

X. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 20 classified in class 435, subclass 4.

XI. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 22 classified in class 435, subclass 4.

XII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 24 classified in class 435, subclass 4.

XIII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 26 classified in class 435, subclass 4.

XIV. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 28 classified in class 435, subclass 4.

XV. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 30 classified in class 435, subclass 4.

XVI. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a

plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 32 classified in class 435, subclass 4.

XVII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 34 classified in class 435, subclass 4.

XVIII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 36 classified in class 435, subclass 4.

XIX. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 38 classified in class 435, subclass 4.

XX. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 40 classified in class 435, subclass 4.

XXI. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 42 classified in class 435, subclass 4.

XXII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 44 classified in class 435, subclass 4.

XXIII. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 46 classified in class 435, subclass 4.

XXIV. Claims 1-10 in part are drawn to a method of identifying a herbicidal compound and applying such a compound to kill or inhibit the growth of or viability of a plant, based on it's ability to bind or to inhibit the activity of a polypeptide of SEQ ID NO: 48 classified in class 435, subclass 4.

2. Inventions in Group I-XXIV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions each polypeptide has a different structure and elicits different antigenic response.

3. Because these inventions are distinct for the reasons given above and the search required for each Group is not required for the search for any other Group, restriction for examination purposes as indicated is proper.

1. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.43).

2. Applicant is reminded that upon the cancellation of claims to a none elected invention the none elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kagnew H Gebreyesus whose telephone number is 571-272-2937. The examiner can normally be reached on 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Achutamurthy ponnathapura can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kagnew Gebreyesus Ph.D.
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